

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NATHANIEL BROWN,

Plaintiff,

No. CIV S-04-0477 DFL PAN P

vs.

SACRAMENTO COUNTY
SHERIFF DEPARTMENT, et al.,

Defendants.

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On April 22, 2005, defendants filed a motion for summary judgment. Plaintiff did not oppose the motion. On January 25, 2006, a magistrate judge filed findings and recommendations recommending that the motion be denied. The findings and recommendations were served on all parties and contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. Neither party filed objections to those findings and recommendations.

On March 8, 2006, a magistrate judge filed findings and recommendations recommending dismissal of this action without prejudice due to plaintiff's failure to file a pretrial

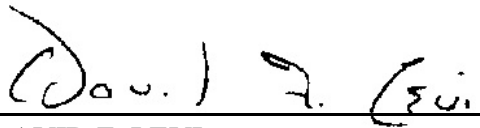
1 statement. Those findings and recommendations were also served on all parties and contained
2 notice to all parties that any objections to those findings and recommendations were to be filed
3 within twenty days. Neither party has filed objections to the March 8, 2006 findings and
4 recommendations.

5 After review of the entire record herein, the court will adopt the March 8, 2006
6 findings and recommendations and dismiss this action without prejudice due to plaintiff's failure
7 to file a pretrial statement. Defendants' April 22, 2005 motion for summary judgment is mooted
8 by the dismissal of this action and will be denied for that reason.

9 In accordance with the above, IT IS HEREBY ORDERED that:

- 10 1. The findings and recommendations filed March 8, 2006 are adopted in full;
11 2. This action is dismissed without prejudice. See Fed. R. Civ. P. 16(f); Local
12 Rule 11-110; and
13 3. Defendants' April 22, 2005 motion for summary judgment is denied as moot.

14 DATED: March 29, 2006.

15
16 
17 _____
18 DAVID F. LEVI
19 United States District Judge
20
21
22
23
24
25
26